IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1132 (S/S) of 2006

1. Ravi Shankar Divedi, S/o Ramdayal Divedi, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
2. Jogendra Singh, S/o Jaswant Singh, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
3. Virendra Singh, S/o Radhey Shayam, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
4. Suresh Kumar, S/o Bhagwan Das, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
5. Mahesh Chandra, S/o Pritam Singh, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
6. Hari Niwas Trivedi, S/o Jaduprasad Trivedi, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
7. Raghuveer Singh, S/o Beri Singh, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.
8. Ashesh Kumar Mishra, S/o Wishambhar Dayal Mishra, Bandi Rakshak, District Jail, New Tehri, District – Tehri Garhwal.

…….Petitioners

Versus

1. Union of India, through its Deputy Secretary, Ministry of Public, Pension, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi.
2. State of Uttaranchal, through Principal Secretary Home and Jail, Administration, Government of Uttaranchal, Dehradun.
3. State of U.P. through Principal Secretary, U.P., Lucknow.
4. Inspector General Jail, Uttaranchal Shashan, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Parikshit Saini, learned counsel for the petitioners, Smt. Anjali, learned standing counsel for Union of India on behalf of respondent no. 1, Smt. Beena Pandey,

learned standing counsel for State of U.P. on behalf of respondent no. 3 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 2 and 4.

Learned counsel for the parties are agreed to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioners, who are working as Bandi Rakshak, District Jail, New Tehri, have prayed for the following reliefs:

> *(a) issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to relieve the petitioners for State of U.P. immediately.*
>
> *(b) issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioners;*
>
> *(c) award the costs of the present writ petition to the petitioners.*

The submission of the learned counsel for the petitioners is that they are permanent resident of State of U.P. and had opted for State of U.P. and names of the petitioners do not find place in the final allocation list for State of Uttaranchal, meaning thereby, they have been finally allocated to State of U.P.

Smt. Anjali, learned counsel for Union of India has not denied this fact.

Learned counsel for both the parties have submitted that the present case is squarely covered by the judgment of this court dated 15.05.2006 passed in writ petition no. 1999 of 2005 (Radha Rani Vs. Union of India and others) and as such,

writ petition may be disposed of on the same terms and observations made in the aforesaid judgment.

Petitioners have already made a representation before respondent no. 4 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun on 22.05.2006, which is annexure no. 3 to the writ petition.

During the course of argument, learned counsel for the petitioners has confined his prayer that respondent no. 4 may be directed to decide the petitioners' representation at the earliest.

In view of the above, respondent no. 4 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun is directed to take decision on the representation of the petitioners dated 22.05.2006 within a period of four weeks from the date of production of certified copy of this order and may pass appropriate order for relieving the petitioners for State of Uttar Pradesh, in case, the petitioners have been finally allocated to State of U.P.

With this direction the writ petition as well as interim relief application no. 10559 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SKSharma